



THE CITY OF NEW YORK  
**LAW DEPARTMENT**

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June 2, 2025

**VIA ECF**

Honorable Joseph A. Marutollo  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Peters, et al., v. the City of New York, et al.*, 25-CV-1548 (FB)(JAM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of York, and the attorney for defendant the City of New York in the above-captioned matter. The City writes to respectfully request that the Court *sua sponte* extend co-defendant Fenton's time to answer from June 4, 2025 to July 7, 2025. This is the first request to extend the deadline at issue, and plaintiff consents.

By way of relevant background, plaintiffs in this matter allege that NYPD Sgt. Gerard P. Fenton, while off-duty, brandished his firearm at plaintiffs and thereafter caused them to be unlawfully arrested on December 9, 2023. *See generally* Complaint, ECF No. 1. According to the affidavit of service filed in this matter on May 28, 2025, *see* ECF No. 8, individual co-defendant Gerard P. Fenton was served on May 14, 2025, such that his answer is due June 4, 2025 pursuant to Fed. R. Civ. P. 12(a).

The City respectfully requests the Court *sua sponte* enlarge individual co-defendant Fenton's time to answer by thirty days to allow adequate time to determine whether he is entitled to representation pursuant to Gen. Mun. Law § 50-k. Given the unique factual allegations in this case, including but not limited to Fenton being off-duty while also acting as the complaining victim, this determination will require especially robust review.

Accordingly, the City respectfully requests the Court *sua sponte* enlarge co-defendant's Fenton's deadline to answer from June 4, 2025 to July 7, 2025.

Thank you for your consideration herein.

Respectfully submitted,

*Luca Difronzo /s/*  
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